

REMARKS/ARGUMENTS

In response to the Office Action dated June 7, 2004, Applicants first note that a certified copy of DE 100 65 045.7 (the German priority document) is being submitted concurrently herewith as required by 35 U.S.C. § 119(b). This application was filed in Germany on December 23, 2000.

Claims 1-4, 9 and 13-16 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-9 of U.S. Patent No. 6,620,420. Claims 1-4, 10 and 13-17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1 and 3-8 of copending U.S. Application No. 10/025,065. Applicants have included a terminal disclaimer with respect to the '420 patent and the '065 patent and thus respectfully request that the double patenting rejections be withdrawn.

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lanzendörfer et al. (U.S. Patent No. 6,620,420). Applicants respectfully submit that the subject matter of the present claims was invented prior to the filing date of the '420 patent, i.e., December 19, 2001, and thus that the '420 patent is not prior art under 102(e). In support of this position, Applicants submit concurrently herewith an English translation of the German priority document (DE 100 65 045.7) along with a certification that the translation is correct as set forth in MPEP 201.15. The German priority document was filed on December 23, 2000 and thus is evidence that the Applicants invented the subject matter of the present claims prior to the December 19, 2001 filing date of the '420 patent. Accordingly, Applicants respectfully request that the rejection based on the '420 patent under 35 U.S.C. § 102(e) be withdrawn.

Claims 1-20 are provisionally rejected under 35 U.S.C. § 102(e) as being anticipated by copending U.S. Application No. 10/025,065. As discussed above, Applicants submit concurrently herewith an English translation of the German priority document (DE 100 65 045.7) along with a certification that the translation is correct as set forth in MPEP 201.15. The German priority document was filed on December 23, 2000 and thus is evidence that the Applicants invented the subject matter of the present claims prior to the December 19, 2001 filing date of the '065 application. Accordingly, Applicants respectfully request that the provisional rejection under 35 U.S.C. § 102(e) based on the '065 application be withdrawn.

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Claims 1-6, 8-10 and 16-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Loffler (collectively U.S. Published Application No. 2001/0005737 and U.S. Patent No. 6,489,395). The claims of the present application recite the presence of “one or more acryloyldimethyltaurate/vinylpyrrolidone copolymers.” The Office states that Loffler discloses these copolymers and relies on the disclosure of Aristoflex AVC in these references. However, Loffler describes Aristoflex AVC as an “acrylamidopropylenesulfonic acid/vinylformamide copolymer.” See, e.g., paragraph [0077] of the ‘737 application. The copolymer disclosed in Loffler is different from the claimed copolymer in that it includes the use of vinylformamide monomer as opposed to vinylpyrrolidone monomer as recited in the present claims. Furthermore, the acrylamidopropylenesulfonic acid monomer disclosed in Loffler appears to be different than the acryloyldimethyltaurate monomer used in the claimed copolymer. Thus, Loffler does not disclose the claimed copolymer and the present claims are not anticipated by Loffler under 35 U.S.C. § 102(e).

Claims 7, 11-15 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Loffler, either alone or in combination with Röckl et al. (U.S. Patent No. 5,690,919). As discussed in the previous paragraph, Loffler does not disclose the claimed copolymer and the present claims are not anticipated by Loffler. Loffler and Röckl also fail to teach or suggest the use of the copolymer recited in the claims of the present application. Thus, the present claims are also not obvious under 35 U.S.C. § 103(a) in view of Loffler, either alone or in combination with Röckl.

Applicants respectfully submit that all the claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. If any minor informalities need to be addressed, the Examiner is directed to contact the undersigned attorney by telephone to facilitate prosecution of this case.

In reviewing the file for the present application, the undersigned noticed that not all of the references cited in the corresponding German search report have been made of record in the U.S. Patent and Trademark Office. Applicants will be submitting a Supplemental Information Disclosure Statement in the next few days that includes these references. Applicants respectfully

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request that the Examiner consider the references in the Supplemental Information Disclosure Statement before issuing a Notice of Allowance or another Office Action.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

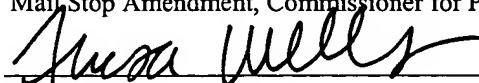


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